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May 6, 2025

BY E.C.F.

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

OK, extension granted.
Conference adjourned to
6/12/2025 at 11:30 AM.

Colleen McMahon
5/7/2025

Re: Edwin Lopez v. City of New York, et al., 24-CV-8466 (CM)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, representing defendant City of New York ("City") in this matter. Defendant City writes to respectfully request that the Court grant an extension of time for the City to answer, or otherwise respond to, the Complaint, from May 8, 2025 to June 9, 2025. Defendant City also requests that the initial conference scheduled for June 5, 2025 be adjourned to a date after June 9 2025. Counsel for plaintiff, Thomas Mirigliano, Esq., consents to these requests.

This is the City's third request for an extension of time to answer or otherwise respond to the Complaint, and to adjourn the initial conference. I previously filed a requests for an extension of time to answer or respond to the Amended Complaint, and to adjourn the initial conference on February 4, 2025 and April 4, 2025, and the Court granted those requests. The City's requests will not affect any other scheduled dates.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging *inter alia* deprivation of rights in violation of the First, Fourth, Fifth, Eighth, and Fourteenth Amendments. More specifically, plaintiff alleges that he was subjected to excessive force on August 8, 2023 and August 15, 2023 while incarcerated on Rikers Island.

The requested extension of additional time is necessary to allow this Office more time to further investigate the allegations in the Complaint in accordance with its obligations under Rule

11(b) of the Federal Rules of Civil Procedure. We have requested relevant documents from the Department of Correction, but have not yet received sufficient documentation to properly evaluate the allegations in the Complaint. The additional requested time should permit this Office time to collect more records from the Department of Correction in order to assess the claims and properly respond to the Complaint.

For the foregoing reasons, defendant City respectfully requests that this Court grant an extension of time for the City to answer or otherwise respond to the Complaint, from May 8, 2025 to June 9, 2025, and that the initial conference scheduled for June 5, 2025 be adjourned to a date after June 9, 2025 to allow the City additional time to investigate the allegations in the Complaint.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Joseph M. Hiraoka, Jr.
Joseph M. Hiraoka, Jr.
Senior Counsel
Special Federal Litigation Division

cc: **By E.C.F.**
Thomas Mirigliano, Esq.
Attorney for Plaintiff